

### REMARKS

Claims 1-18 and 21-22 remain in this application, with Claims 19-20 having been previously canceled. Reconsideration and review of the application is respectfully requested.

Before addressing the merits of the rejections based on the prior art, a brief description of the present invention is provided. The present invention is directed to an apparatus for scanning radio frequency identification (RFID) data from one or more RFID tags or transponders. The present invention stems from the limitation that a conventional RFID reader, such as a hand-held RFID reader, requires the operator to hold and actuate the reader during a reading operation. That is, after an RFID tag has been scanned, the operator must then put the RFID reader down to free the hand and fingers for other manual tasks. This repeated grasping and returning of the RFID reader reduces the productivity of the operator. See page 3 of the present application. The present invention, in a nutshell, provides a method and system to provide a "hands free" or fingers-free RFID reader, thereby leaving the operator's hand free for other tasks.

More particularly, the present invention includes a hands- or fingers-free RFID reader that enables an operator to read or identify items having RFID tags without using the hands or fingers. The invention comprises a housing containing at least a portion of an RFID scanner. The housing can be affixed to a portion of an operator's body, such as a hand or wrist, using a strap or other like attachment. The RFID scanner further includes an antenna, a radio transmitter/receiver coupled to the antenna, and a processor adapted to control operation of the radio transmitter/receiver. The housing may further contain a power source adapted to provide power for the RFID scanner. The RFID scanner may also be adapted to communicate the RFID data to an external system, such as via a wireless or infrared connection. Finally, the RFID scanner is adapted to read RFID tags automatically as they come into proximity with the scanner, without physical intervention by the operation. In one embodiment, the RFID scanner

automatically reads the RFID tags by periodically transmitting an interrogation signal to determine if an RFID tag has been brought into proximity. Accordingly, the present invention provides a hands- or fingers-free system for reading RFID tags, thereby increasing the productivity of the operator of the present system.

The Examiner has rejected Claims 1-7 and 10-16 under 35 U.S.C. § 103(a) as being unpatentable over Eberhardt in view of Knowles et al. The Examiner has further rejected Claims 8-9 and 17-20 under § 103(a) as being unpatentable over Eberhardt in view of Knowles and further in view of Bard et al., and has rejected Claims 8-9 and 17-20 under § 103(a) as being unpatentable over Eberhardt in view of Knowles and further in view of Garber et al. These rejections are respectfully traversed.

As discussed previously, Eberhardt discloses a dual function reading head having an RFID scanner and a bar-code scanner that must be manually actuated. That is, in order to provide Eberhardt's dual reading reader with its dual reading functions, Eberhardt requires (or teaches the need of):

a manually actuatable switch arrangement mounted on the housing [of the dual reading head] for selectively actuating one of the bar-code tag reader and the radio frequency tag reader depending on the type tag to be read. Preferably, the housing is gun-shaped and the switch arrangement is a trigger-like . . . with two ON positions, one for each of the readers."

See Abstract of Eberhardt; see also Figs. 1, 2, and 4 and Summary of the Invention of Eberhardt. The Examiner acknowledges the deficiency of Eberhardt in failing to disclose "the hand-held reader having means for affixing the housing to a portion of an operator's body, and means for automatically scanning without manual intervention by the operator."

To make up for this deficiency, the Examiner proposes the combination with Knowles et al., which discloses a body-wearable automatic laser scanner. The Knowles laser scanner is adapted to scan bar code symbols and includes a wrist-mounted laser scanning engine 104. As noted by the Examiner, Knowles discloses that no trigger or other hand operated device is required to activate or deactivate the automatic bar code

reading system. Instead, Knowles discloses a passive system and an active system to detect proximity to a bar code symbol. According to the passive system, the bar code reading system detects ambient light and uses that light to determine if a bar code symbol is present in the scan field. According to the active system, an infrared signal is periodically transmitted out into the scan field and an activation signal is transmitted upon receiving a reflection of the infrared signal.

It should be appreciated that these optical systems for detecting proximity to a bar code symbol would be ineffective in detecting proximity to an RFID tag. Thus, even if the references were combined as proposed by the examiner, there would still be no disclosure of a hand-held reader that is affixed to a portion of an operator's body, and that can automatically scan RFID tags without manual intervention by the operator. The motivation to combine could only come from the advantages taught and suggested in the present application; thus, proper grounds for an obviousness rejection are absent with regard to the claims in the present application (i.e., hindsight reconstruction). Accordingly, the combination of Eberhardt with Knowles is improper to reject independent Claims 1 and 10.

More particularly, amended Claim 1 should be allowable for its recitation of an apparatus for scanning radio frequency identification (RFID) data from at least one RFID tag comprising, *inter alia*, "means for automatically scanning said at least one RFID tag without manual intervention by the operator, including means for periodically communicating an interrogating RF signal to determine whether an RFID tag is in proximity." Similarly, amended Claim 10 should be allowable for its recitations of a system for collecting radio frequency identification (RFID) data, *inter alia*, "wherein said RFID scanner periodically communicates an interrogating RF signal to determine whether an RFID tag is in proximity and thereafter automatically scans said at least one RFID tag without manual intervention by the operator."


Accordingly, the Applicants respectfully request the withdrawal of all rejections based on Eberhardt in combination Knowles. Claims 2-9 and 21 depend either directly

or indirectly on Claim 1. Claims 11-18 and 22 depend either directly or indirectly on Claim 10. The dependent claims should be allowed for at least the reason that they depend on an allowable base claim (i.e., either Claim 1 or Claim 10).

In view of the foregoing, the Applicants respectfully submit that Claims 1-18 and 21-22 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a two-month extension of time, extending to October 19, 2004, the period for response to the Office Action dated May 19, 2004. A check in the amount of \$430.00 is enclosed for the two-month extension of time pursuant to 37 CFR §1.17(a)(2) and \$790.00 for request for continued examination (RCE) pursuant to 37 CFR § 1.17(e). The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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